

AF/3621
JFW

PTO/SB/21 (02-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

| | | | |
|---|----------------------|------------------------|----------|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 09/635,735 | |
| | Filing Date | August 9, 2000 | |
| | First Named Inventor | N. Allibhoy et al. | |
| | Art Unit | 3621 | |
| | Examiner Name | J. Reagan | |
| Total Number of Pages in This Submission | 22 | Attorney Docket Number | PU050095 |

| ENCLOSURES (Check all that apply) | | |
|--|---|--|
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance communication to Technology Center (TC) |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input checked="" type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation | <input type="checkbox"/> Status Letter |
| <input checked="" type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Change of Correspondence Address | <input type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Request for Refund | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Response to Missing Parts/Incomplete Application | Remarks | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |
| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | | |
| Firm or Individual name | Thomson Licensing Inc. | |
| Signature | | |
| Date | 4/15/06 | |

| CERTIFICATE OF TRANSMISSION/MAILING | | | |
|---|---------------|------|---------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. | | | |
| Typed or printed name | Joel Fogelson | | |
| Signature | | Date | 4/15/06 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Serial No. 09/635,735
Customer No. 24498

PATENT
PU050095



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicants : N. Allibhoy et al.
Serial No. : 09/635,735
Filed : August 9, 2000
Title : A METHOD AND SYSTEM FOR CONTROLLING AND
AUDITING CONTENT/SERVICE SYSTEMS
Examiner : J. REAGAN
Art Unit : 3621

APPLICANTS' APPEAL BRIEF

May It Please The Honorable Board:

Applicants appeal the final rejection of Claims 1, 3-26, and 28-34 of the above-identified application in the Final Rejection mailed May 23, 2005 and request that such action be reversed. The \$ 500.00 fee for filing this Appeal Brief is to be charged to Deposit Account 07-0832. Applicants also request a three-month extension under 37 C.F.R. 1.136(a) to file this brief from January 28, 2006 (the date the Notice of Appeal was received in the U.S. Patent Office). The fee for the extension is to be charged to the above mentioned Deposit Account, as well.

Please charge any additional fees or credit any overpayment to the above-identified Deposit Account.

Applicants do not request an oral hearing.

REAL PARTY IN INTEREST

The real party in interest, the Assignee, is:
Thomson Licensing
46 Quai Alphonse Le Gallo
92648 Boulogne Cedex
FRANCE

RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

05/09/2006 EAYALEW1 00000043 070832 09635735

01 FC:1402 500.00 DA
02 FC:1253 1020.00 DA

STATUS OF CLAIMS

Claims 1, 3-26, and 28-34 are pending.

Claims 1, 3-26, and 28-34 are rejected.

STATUS OF AMENDMENTS

All amendments were entered and are reflected in the appealed claims included in the Appendix I.

SUMMARY OF CLAIMED SUBJECT MATTER

Method Claim 1 discloses the steps of controlling a transaction between a receiver, a first content provider, and a network operator whom which the transaction occurs between the receiver and the first content provider. The method starts with a receiver profile is stored in a data base where the database is controlled by a third party (page 11, lines 3-16, 103, 109). The third party in the operation of this method has the ability to intercept user requests made for enhanced content programming (page 9, lines 25-29, 205, 207). A determination is then made to decide whether the user is entitled to request enhanced content programming. Such a determination is made in view of the user's profile (page 9, lines 29-31, 207).

If the user profile affirms the validity of the request where a first content provider is authorized, enhanced programming is then provided to the receiver (page 12, lines 5-7, 237). If the user profile determines in the negative that the first content provider is not authorized (page 9, lines 29-31, 209), the method terminates with alternative enhanced content programming being provided from a second content provider (page 10, lines 2-6, 217).

Method Claim 5 discloses the steps of controlling a network transaction between a user receiver and a content provider. The method begins with a user profile being stored in a database controlled by a third party (page 11, lines 3-16, 103). After such a step, enhanced programming is received from a content provider (page 9, lines 25-26, 203). During this time, a trigger in the enhanced programming is detected by a third party (page 11, lines 28-30, 233). The third party intercepts a user request response directed to the user receiver, where the response is made by the content provider (page 11, lines 28-30, 233).

In parallel, the third party also intercepts a user request directed towards the content provider (page 9, lines 25-29, 205, 207). The third party appends additional parameters to the user request and forwards the request along to the content provider (page 11, lines 25-26, 227, 229).

The method then completes where the third party intercepts a user purchase request directed towards the content provider (page 12, lines 9-11). The purchase request is fulfilled by using user purchase information from a third party controlled data base (page 13, lines 4-8, 249, 251). The method terminates with the transmission of purchase information to the content provider (page 15, lines 16-21).

Claim 10, which depends on Claim 5, discloses the steps of appending an address to an intercepted user request (page 11, lines 17-22, 223) whereby the third party controller then redirects the request to a content provider (page 11, lines 22-23, 225).

Claim 18, which depends on Claim 5, discloses a step of forwarding an appended user request to a substitute content provider, if the content provider is unauthorized (page 10, lines 4-6, 217).

Claim 22 claims a method step of appending to a user request related to the capabilities of the receiver that is involved in a transaction (page 11, lines 3-9, page 27, lines 19-27, 103, 109).

Claim 24 claims a method of appending additional parameters to a user request related to the specification of a user's receiver (page 11, lines 3-9, page 27, lines 19-27, 103, 109).

Claim 26 is for a system that supports a user transaction comprising a network (page 7, lines 1-4, 107), a content provider (page 7, lines 9-11, 105), and a receiver (page 6, line 27 to page 7, line 2, 103). A third party means is also claimed (page 9, lines 7-11, 109) where the third party means is capable of detecting triggers within enhanced content programming (page 11, lines 28-30, 233). The third party means is also capable of obtaining supplemental information from a content provider regarding a financial transaction (page 12, line 29 to page 13, line 11, 249).

The third party, in the course of its operation, uses a data base that stores a user profile associated with the receiver, page 11, lines 3-16, 103). The third party means then uses the information stored in the data base for a display operation such as a checkout screen (page 15, lines 5-10, 313). The transaction is then completed by the content provider sending the information about the transaction back to the content provider (page 18, lines 16-21, 317).

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

(1) Whether the method claimed in Claims 1 and 3-4 is unpatentable over Ginter et al. (U.S. Patent # 5,892,900) in view of Shah-Nazaroff et al. (U.S. Patent 6,157,377);

(2) Whether the method claimed in Claims 5-9, 11-17, 19-21, 23, and 25 is unpatentable over Ginter et al. (U.S. Patent # 5,892,900) in view of Shah-Nazaroff et al. (U.S. Patent 6,157,377);

(3) Whether the method claimed in Claim 5 is unpatentable over Ginter et al. (U.S. Patent # 5,892,900) in view of Shah-Nazaroff et al. (U.S. Patent 6,157,377) and in further view of the Applicants' admitted prior art);

(4) Whether the method claimed in Claim 10 is unpatentable over Ginter et al. (U.S. Patent # 5,892,900) in view of Shah-Nazaroff et al. (U.S. Patent 6,157,377);

(5) Whether the method claimed in Claim 18 is unpatentable over Ginter et al. (U.S. Patent # 5,892,900) in view of Shah-Nazaroff et al. (U.S. Patent 6,157,377);

(6) Whether the method claimed in Claim 22 is unpatentable over Ginter et al. (U.S. Patent # 5,892,900) in view of Shah-Nazaroff et al. (U.S. Patent 6,157,377);

(7) Whether the method claimed in Claim 24 is unpatentable over Ginter et al. (U.S. Patent # 5,892,900) in view of Shah-Nazaroff et al. (U.S. Patent 6,157,377);

(8) Whether the system claimed in Claim 26 is unpatentable over Ginter et al. (U.S. Patent # 5,892,900) in view of Shah-Nazaroff et al. (U.S. Patent 6,157,377) and in further view of the Applicants' admitted prior art);

(9) Whether the system claimed in Claims 28-30 and 33-34 are unpatentable over Ginter et al. (U.S. Patent # 5,892,900) in view of Shah-Nazaroff et al. (U.S. Patent 6,157,377);

(10) Whether the system claimed in Claims 31-32 are unpatentable over Ginter et al. (U.S. Patent # 5,892,900) in view of Shah-Nazaroff et al. (U.S. Patent 6,157,377) and in further view of Kitsukawa et al. (U.S. Patent # 6,282,713).

ARGUMENTS

35 U.S.C. § 103(a) REJECTION OF METHOD CLAIMS 1 and 3-4

Reversal of the Final Rejection of Claims 1 and 3-4 under 35 U.S.C. §103(a) is unpatentable over Ginter et al. (U.S. Patent # 5,892,900, hereafter referred to as 'Ginter') in view of Shah-Nazaroff et al. (U.S. Patent 6,157,377, hereafter referred to as 'Shah-Nazaroff') is respectfully requested.

Claim 1 claims a method of controlling a transaction between a receiver and a first content provider occurring over a network. The recited method claims the steps of "preventing the enhanced content programming to be provided to the receiver in response to the user request if the first content provider is unauthorized" and "providing alternative enhanced content programming from a second content provider that is authorized by said user profile if the first content provider is unauthorized. This claimed feature of "providing alternative enhanced content programming from a second content provider" is neither disclosed in Ginter or Shah-Nazaroff, alone or in combination.

In the Final Rejection, the Examiner cites to a different sections of Ginter (when combined with Shan-Nazaroff) that the Examiner believes discloses this claimed feature (Ginter, col. 138, lines 20-67, col. 3-6: "VIDE Control Capabilities"; Col 24, lines 9-54, Col. 294, lines 11-49; Fig. 78: "User/Author Registration" and associated text). Applicants disagree with this conclusion.

For example, the Examiner cites to a section of Ginter that discusses the concept of a "traveling object" which is an object that carries "sufficient information to enable at least at least some use of at least a portion of their content when arriving at a VDE node" (Ginter, col. 137, lines 51-56). When a traveling object is received (according to Ginter) a check is performed whether the object carries with it the "correct budget or budget type (e.g., sufficient credit available from a clearinghouse such as a VISA budget)" or if the object has the "appropriate authorization" (Ginter, col. 138, lines 45-50).

In such, if the user does not have the appropriate budget or authorization for a traveling object, "the user could be informed by electronic appliance 600 (using information stored in the traveling object) as to which one or more parties the user could contact. The party or parties might constitute a list of alternative clearinghouse providers for the traveling object

from which the user selects his desired contact)" (Ginter, col. 138, lines 55-62).

Applying the teachings of Ginter with Shah-Nazaroff, when a user receives content that is either unauthorized or the user cannot pay for (because of information in the object), the combined system would inform the user about either error condition. The system then informs the user about the parties that the user should contact in order to fix this error condition. Presumably, the user would then either request additional content that could be authorized or the user would have to locate a proper source to pay for requested content. These outcomes are different than what is claimed in Claim 1.

Claim 1 claims a method where enhanced content programming is provided to a receiver "if the first content provider is authorized by said profile". This means that it is the content provider itself or the source of the content that determines whether content is authorized to be used in view of a user profile. The authorizations listed in Ginter, in combination with Shah-Nazaroff, lists authorizations as being dependent on things such as, "a stipulation that the traveling object be used on certain one or more installations or installation classes or users or user class where classes correspond to a specific subset of installations or users who are represented by a predefined class identifiers stored in a secure database," (Ginter, col. 138, lines 39-42). These authorizations (from Ginter and Shan-Nazaroff) are dependent on either the user or the site (installation) at where a user resides. In contrast, the operation of Claim 1 depends on "if the first content provider is authorized by said profile" where the provider of content determines whether content should be authorized or not.

In addition, when content is not authorized to be received from a first content provider, Claim 1 claims that the step of "providing alternative enhanced content from a second provider that is authorized by said user profile if the first content provider is unauthorized". This claimed step is different than what is disclosed in Ginter and Shan-Nazaroff because there is no indication that the listed parties that a user could contact (as disclosed in Ginter) are in actuality "a second provider that is authorized by said user profile". The listed parties of Ginter may not be authorized and require additional user interaction in order for a user to receive content. Claim 1, in contrast, directly provides "alternative enhanced content from a second provider" where the second provider is "authorized" and the providing step is performed by a "third party". Hence, Claim 1 is different than what is either disclosed or suggested in the cited Ginter and Shan-Nazaroff combination.

Applicants also assert that the other sections of Ginter with Shan-Nazaroff do not disclose the claimed features of Claim 1 concerning "providing alternative enhanced content programming from a second provider that is authorized by said user profile if the first content provider is unauthorized, wherein said providing step is performed by a third party" as to establish a prima facie rejection as required under 35 U.S.C. 103(a).

For the foregoing reasons given above, Applicants assert that Claim 1 is patentable and requests that the Board reverse the rejection of this claim. Applicants also request that the Board reverse the rejection to Claims 3 and 4, as such claims depend on allowable Claim 1.

35 U.S.C. § 103(a) REJECTION OF METHOD CLAIMS 5-9, 11-17, 19-21, 23, and 25

Reversal of the Final Rejection of Claims 5-9, 11-17, 19-21, 23, and 25 under 35 U.S.C. §103(a) is unpatentable over Ginter in view of Shah-Nazaroff is respectfully requested.

In the Final Rejection (see pages 14-15), the Examiner in the rejection of Claim 5 states:

"The combination of Ginter/Shan-Nazaroff discloses triggers as shown above, but does not specifically disclose that the triggers are for enhanced programming and are intercepted by the third party" (emphasis added).

In view of this, the Examiner cites a third piece of art (the Applicants' own background of the invention) as to anticipate the features of Claim 5 under a rejection using Ginter, Shan-Nazaroff, and the admitted prior art of the invention. Hence, according to the Examiner own conclusion indicates that Claim 5 contains at least one element which is not found in the combination of Ginter and Shah-Nazaroff and is neither disclosed nor suggested in this combination.

For the foregoing reasons given above, Applicants assert that Claim 5 is patentable and requests that the Board reverse the rejection of this claim. Applicants also request that the Board reverse the rejection to Claims 6-9, 11-17, 19-21, 23, and 25, as such claims depend on allowable Claim 5.

35 U.S.C. § 103(a) REJECTION OF METHOD CLAIM 5

Reversal of the Final Rejection of Claim 5 under 35 U.S.C. §103(a) is unpatentable over Ginter in view of Shah-Nazaroff and in further view of the Applicants' admitted prior art is respectfully requested.

Ginter in combination with Shan-Nazaroff and the admitted prior art does not teach or suggest at least some of the elements of Claim 5. Specifically, "detecting a trigger within said enhanced content programming, said recognizing step performed by said third party". As to anticipate this claimed feature, the Examiner cites to the Applicants' admitted prior art in the background of the invention by writing "An interaction between a user and a third party may be initiated in a variety of ways...the user may initiate the interaction in response to a prompt within the material currently being viewed (e.g., a prompt within a television advertisement pertaining to additional available information such as specifications, delivery, pricing, etc.)". Applicants disagree with the Examiner's conclusion.

The Background of the Invention however does not disclose how such interactions are initiated, only that "interactions between a user and a third party may be initiated". The cited to prompt in the background is a visual cue that is provided to a user to act on. This prompt is not the same thing as "a trigger within said enhanced content programming".

Moreover, the detection step of the claimed trigger is performed "by said third party". The combination of Ginter, Shan-Nazaroff, and the Applicants' admitted prior art do not disclose this claimed step, where the detection is performed by "said third party". In fact, the Background of the Invention, in combination with Ginter and Shan-Nazaroff would suggest that it was actually the user who would be doing the detection step if a trigger was the same thing as a prompt (as implied by the Examiner) which is not the case.

For the foregoing reasons given above, Applicants assert that Claim 5 is patentable and requests that the Board reverse the rejection of this claim.

35 U.S.C. § 103(a) REJECTION OF METHOD CLAIM 10

Reversal of the Final Rejection of Claim 10 under 35 U.S.C. §103(a) is unpatentable over Ginter in view of Shah-Nazaroff is respectfully requested.

Claim 10 claims a step of "appending an address to a third party controller to said intercepted user request" wherein "said third party controller performs said step of appending additional parameters to said user request". In the review of the cited to Figures (1A, 2, 77, 78) and the associated text, the Applicants are unable to find anything that would disclose or suggest the claimed features of Claim 10. The cited to chain of control architectures do

not disclose that "an address to a third party controller to said intercepted user request" is appended or which party does such an appending step.

Applicants do not believe that the Examiner has made a prima facie rejection of Claim 10 as required under 35 U.S.C. 103(a) in view of the cited references.

For the foregoing reasons given above and for Claim 5, Applicants assert that Claim 10 is patentable and requests that the Board reverse the rejection of this claim.

35 U.S.C. § 103(a) REJECTION OF METHOD CLAIM 18

Reversal of the Final Rejection of Claim 18 under 35 U.S.C. §103(a) is unpatentable over Ginter in view of Shah-Nazaroff is respectfully requested.

Claim 18 claims a step of "forwarding said appended user request to a substitute content provider is the content provider is unauthorized". In the Examiner's rejection, the Examiner states that such an element would be obvious because:

"At the time the invention was made to use Ginter's teachings and configure a distribution network with the limitations of claims 14-18. Such a system would maximize user participation while providing the network operator with strong control over content providers/publishers. Should a content provider become un-authorized for any reason, the network operator would have the option of meeting user requests by sending them to alternative content/providers/repositories, for similar or equivalent content delivery," (Final Rejection, page 8).

Applicants assert that the Examiner applies hindsight analysis in view of the Applicants invention to determine that the claimed "forwarding said appended user request to a substitute content provider if the content provider is authorized". The obvious resolution of a request for content made to an unauthorized content provider would be that the system handling such a request would return an error condition to a user indicating that such a request was invalid and perhaps terminate the request all together.

The Examiner in the rejection however does not disclose or suggest why instead of performing this obvious step, that one skilled in the art (in view of Ginter and Shan-Nazaroff) would forward "said appended user request to a substitute content provider if the content provider is unauthorized" other by stating it would be obvious in itself. For example, in order to forward the user

request to a substitute content provider, the system performing such an operation would have to know which substitute content provider to select and whether such a substitute content provider was authorized. This operation is neither disclosed nor suggested by the combination Ginter, Shan-Nazaroff, and the Examiner's conclusions in the Office Action.

For the foregoing reasons given above and for Claim 5, Applicants assert that Claim 18 is patentable and requests that the Board reverse the rejection of this claim.

35 U.S.C. § 103(a) REJECTION OF METHOD CLAIM 22

Reversal of the Final Rejection of Claim 22 under 35 U.S.C. §103(a) is unpatentable over Ginter in view of Shah-Nazaroff is respectfully requested.

Claim 22 claims the step of appending additional parameters to said intercepted user request where the additional parameters are "a set of user receiver capabilities". In the Final Rejection, the Examiner states that it would have been one of the ordinary skill in the art to add this feature because "his system will accommodate electronic "appliances" built from many different hardware configurations running many well known operating and file systems, communicating seamlessly with each other over many different networks". Hence, the Examiner concludes that it would have been obvious for one of the ordinary skill in the art to append the information of the "user receiver capabilities" to an intercepted user request in view of the combination of Ginter and Shan-Nazaroff.

Applicants assert that there is no disclosure or suggestion that the claimed features of Claim 22 would be performed in view of the combination of Ginter and Shan-Nazaroff, other than by applying the teachings of the present invention. Applicants also assert that one of the ordinary skill in the art would rather standardize the operation of a system as to eliminate the need for having to consider the attributes of the items in the system (different computer operating systems, file systems, etc.) rather than having to have the system operate in a variety of different ways to accommodate the attributes of different devices.

Hence, it is more likely that a device operating in view of the teachings of Ginter and Shan-Nazaroff would be standardized to operate with an unified system with different devices instead of forcing a system to operate in view of a variety of different devices by requiring such a system require that the attributes of a user receiver be transmitted with a user request.

For the foregoing reasons given above and for Claim 5, Applicants assert that Claim 22 is patentable and requests that the Board reverse the rejection of this claim.

35 U.S.C. § 103(a) REJECTION OF METHOD CLAIM 24

Reversal of the Final Rejection of Claim 24 under 35 U.S.C. §103(a) is unpatentable over Ginter in view of Shah-Nazaroff is respectfully requested.

Claim 24 claims the step of appending additional parameters to said intercepted user request where the additional parameters are "a set of user receiver specification". In the Final Rejection, the Examiner states that it would have been one of the ordinary skill in the art to add this feature because "his system will accommodate electronic "appliances" built from many different hardware configurations running many well known operating and file systems, communicating seamlessly with each other over many different networks". Hence, the Examiner concludes that it would have been obvious for one of the ordinary skill in the art to append the information of the "user receiver specification" to an intercepted user request in view of the combination of Ginter and Shan-Nazaroff.

Applicants assert that there is no disclosure or suggestion that the claimed features of Claim 24 would be performed in view of the combination of Ginter and Shan-Nazaroff, other than by applying the teachings of the present invention. Applicants also assert that one of the ordinary skill in the art would rather standardize the operation of a system as to eliminate the need for having to consider the attributes of the items in the system (different computer operating systems, file systems, etc.) rather than having to have the system operate in a variety of different ways to accommodate the attributes of different devices.

Hence, it is more likely that a device operating in view of the teachings of Ginter and Shan-Nazaroff would be standardized to operate with an unified system with different devices instead of forcing a system to operate in view of a variety of different devices by requiring such a system require that the attributes of a user receiver specification be transmitted with a user request which would be a more complex system.

For the foregoing reasons given above and for Claim 5, Applicants assert that Claim 24 is patentable and requests that the Board reverse the rejection of this claim.

35 U.S.C. § 103(a) REJECTION OF SYSTEM CLAIM 26

Reversal of the Final Rejection of Claim 26 under 35 U.S.C. §103(a) is unpatentable over Ginter in view of Shah-Nazaroff and in further view of the Applicants' admitted prior art is respectfully requested.

Ginter in combination with Shan-Nazaroff does not teach or suggest at least some of the elements of Claim 26. Specifically, a "third party intercepting means detects triggers within said enhanced content programming". Ginter with Shan-Nazaroff does disclose, at least in the sections cited to by the Examiner, the use of "event (triggered) based methods". (See Ginter, col. 24, lines 17-67). However, these events simply trigger or cause another event or method to occur. Additionally, none of these events discloses or suggests determining whether enhanced programming is available.

Applicants also note that Ginter and Shan-Nazaroff neither disclose nor suggest that even if a detection step occurs, that such detection would be performed by "a third party intercepting means".

For the foregoing reasons given above, Applicants assert that Claim 26 is patentable and requests that the Board reverse the rejection of this claim.

35 U.S.C. § 103(a) REJECTION OF SYSTEM CLAIM 28-30 and 33-34

Reversal of the Final Rejection of Claims 28-30 and 33-34 under 35 U.S.C. §103(a) is unpatentable over Ginter in view of Shah-Nazaroff is respectfully requested.

The Examiner in the rejection of Claim 26 admits in view of the combination of Ginter and Shan-Nazaroff that such a combination does not disclose or suggest "that triggers are for enhanced programming and are intercepted by the third party". Hence, the Examiner admits that the combination of Ginter and Shan-Nazaroff do not disclose or suggest all of the claimed features of Claim 26, the base claim from which Claims 28-30 and 33-34 depend.

For the foregoing reasons given above, Applicants assert that Claim 28-30 and 33-34 are patentable and requests that the Board reverse the rejection of these claims.

35 U.S.C. § 103(a) REJECTION OF SYSTEM CLAIMS 31 and 32

Reversal of the Final Rejection of Claims 31 and 32 under 35 U.S.C. §103(a) is unpatentable over Ginter in view of Shah-Nazaroff and further view

of Kitsukawa et al. (hereafter referred to as 'Kitsukawa') is respectfully requested),

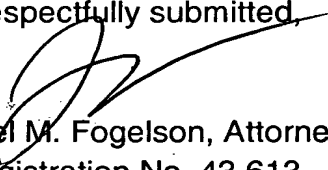
The Examiner in the rejection of Claim 26 admits in view of the combination of Ginter and Shan-Nazaroff that such a combination does not disclose or suggest "that triggers are for enhanced programming and are intercepted by the third party". Hence, the Examiner admits that the combination of Ginter and Shan-Nazaroff do not disclose or suggest all of the claimed features of Claim 26, the base claim from which Claims 31-32 depend. Therefore, the combination of Ginter, Shan-Nazaroff, and Kitsukawa would not disclose all of the claimed features of base Claim 26.

For the foregoing reasons given above, Applicants assert that Claim 31 and 32 are patentable and requests that the Board reverse the rejection of these claims.

CONCLUSION

Accordingly, Appellant submits that the Examiner's rejection should be reversed as to Claims 1, 3-26, and 28-34 and that the application is held to be in condition for allowance.

Respectfully submitted,

By: 
Joel M. Fogelson, Attorney
Registration No. 43,613
609/734-6809

Patent Operations
Thomson Multimedia Licensing, Inc.
P.O. Box 5312
2 Independence Way
Princeton, New Jersey 08543
April 28, 2006

APPENDIX I - APPEALED CLAIMS

1. A method of controlling a transaction between a receiver and a first content provider occurring over a network operated by a network operator, wherein said first content provider offers enhanced content programming relating to the transaction, the method comprising the steps of:

storing a receiver profile in a data base controlled by a third party, wherein said third party is coupled to said network;

intercepting a user request for the enhanced content programming, said user request originating in the receiver and directed at the first content provider, wherein said intercepting step is performed by a third party;

determining if said user request for the enhanced content programming is authorized by said stored receiver profile; and

permitting the enhanced content programming to be provided to the receiver in response to the user request if the first content provider is authorized by said user profile, wherein said permitting step is performed by said third party;

preventing the enhanced content programming to be provided to the receiver in response to the user request if the first content provider is unauthorized by said user profile, wherein said preventing step is performed by said third party; and

providing alternative enhanced content programming from a second content provider that is authorized by said user profile if the first content provider is unauthorized, wherein said providing step is performed by said third party.

3. The method of claim 1, further comprising the steps of:

determining if said user request for the enhanced content programming is unauthorized by said stored receiver profile; and

permitting the enhanced content programming to be provided to the receiving in response to the user request if the first content provider is not authorized by said user profile, wherein said permitting steps is performed by said third party.

4. The method of claim 1, wherein said receiver profile is comprised of multiple user profiles, wherein each user profile includes a user identifier, wherein said determining step is further comprised of the steps of:

- requesting said user identifier from said receiver;
- receiving said user identifier by said third party;
- determining if said user profile associated with said received user identifier authorizes receipt of the enhanced content programming; and
- permitting the enhanced content programming to be provided to the receiver in response to the user request only if said user profile associated with said received user identifier authorizes the enhanced content programming.

5. A method of augmenting a network transaction between a user receiver and a content provider, the method comprising the steps of:

- storing a user profile in a data base controlling by a third party;
- receiving enhanced content programming from the content provider within the user receiver;
- detecting a trigger within said enhanced content programming, said recognizing step performed by said third party;
- intercepting a user request directed at the content provider by the user receiver, said intercepting step performed by said third party;
- appending additional parameters to said user request;
- directing said appended user request to the content provider;
- intercepting a user request response directed at the user receiver by the content provider, wherein said user request response comprises at least a portion of the network transaction;
- forwarding said user request response to the user receiver;
- intercepting a user purchase request directed at the content provider by the user receiver, said intercepting step performed by said third party;
- extracting user purchasing information from said user profile stored in said third party controlled data base; and
- providing said extracted user purchasing information to said content provider by said third party.

6. The method of claim 5, further comprising the steps of:

- extracting transaction information from said intercepted user request response; and

- displaying at least a portion of said extracted transaction information on a display coupled to the user receiver.

7. The method of claim 6, further comprising the step of displaying at least one advertisement simultaneously with said portion of said extracting transaction information.

8. The method of claim 7, wherein said at least one advertisement included linking information to a specific content provider.

9. The method of claim 5, further comprising the steps of:
determining if said user request is authorized by said stored user profile; and
directing said appending user request to the content provider if said user request is authorized by said user profile.

10. The method of claim 5, wherein the step of intercepting said user request further comprises the steps of:
appending an address to a third party controller to said intercepted user request; and
directing said intercepted user request to said third party controller, wherein said third party controller performs said step of appending additional parameters to said user request.

11. The method of claim 5, further comprising the step of appending a marker to said user request response by the content provider, wherein said third party uses said marker to intercept said user request response.

12. The method of claim 5, wherein said user profile is comprised of information selected from the group consisting of shipping information and billing information.

13. The method of claim 5, wherein said user profile is comprised of a user budget, wherein said method further comprises the steps of:
extracting said user budget from said user profile stored in said third party controlled data base;
determining if said user budget permits said user purchase request;
and
providing said extracting user purchasing information to the content provider only if permitting by said user budget.

14. The method of claim 5, further comprising the step of determining if the content provider is authorized by a network operator to provide enhanced content programming to the user receiver.

15. The method of claim 14, wherein said determining step is performed prior to said first intercepting step.

16. The method of claim 14, wherein said determining step is performed prior to forwarding said user request response to the user receiver.

17. The method of claim 14, further comprising the step of terminating the network transaction between the user receiver and the content provider if the content provider is unauthorized.

18. The method of claim 14, further comprising the step of forwarding said appended user request to a substitute content provider if the content provider is unauthorized.

19. The method of claim 5, further comprising the steps of entering said user purchase request into said third party controlled data base.

20. The method of claim 5, further comprising the steps of:
directing a request for updating information pertaining to said user request to the content provider, wherein said directing step is performed by said third party;
receiving said updated information from said content provider by said third party; and
storing said updated information in said third party controlled data base.

21. The method of claim 5, further comprising the step of obtaining supplemental information from the user receiver by said third party in order to complete said user purchase request.

22. The method of claim 5, wherein said additional parameters appended to said intercepted user request is comprising of a set of user receiver capabilities.

23. The method of claim 5, wherein said additional parameters appended to said intercepted user request is comprised of a network specification.

24. The method of claim 5, wherein said additional parameters appended to said intercepted user request is comprised of a user receiver specification.

25. The method of claim 5, wherein said additional parameters appended to said intercepted user request is comprised of network operator business rules.

26. A network-based system for supporting a user transaction, the system comprising:

- a network;

- a content provider coupled to said network, wherein said content provider supplies enhanced content programming related to the user transaction;

- a receiver coupled to said network, said receiver capable of receiving said enhanced content programming said interacting with said content provider via said network;

- third party means for intercepting data relating to the user transaction flowing between said content provider and said receiver via said network, wherein said third party intercepting means detects triggers with said enhanced content programming;

- third party means for directly obtaining supplemental information from said content provider related to the financial transaction;

- a data base coupled to said network and controlled by a third party, said data base storing a user profile associated with said receiver and at least a portion of said intercepted data and said supplemental information;

- third party means for selecting a portion of said stored data and supplemental information to be displayed;

- a display coupled to said receiver for displaying said selected portion of said stored data and supplemental information; and

- third party means for finalizing the user transaction with said receiver and said content provider, wherein said third party means for finalizing the user transaction further comprises third party means for providing at least a portion of said stored user profile to said content provider.

28. The system of claim 26, wherein said receiver is selected from the group consisting of set-top boxes, telephones, PDAs, and computers.

29. The system of claim 26, wherein said network is selected from the group consisting of cable, fiber optics, telephone lines, terrestrial broadcast systems, and satellite broadcast systems.

30. The system of claim 26, further comprising:
third party means for determining a set of display capabilities for said receiver, wherein said set of display capabilities is contained within said user profile; and third party means for formatting said selected portion of said stored data and said supplemental information to correspond to said set of display capabilities.

31. The system of claim 26, wherein said displayed selected portion of said stored data and said supplemental information is a semi-transparent overlay.

32. The system of claim 26, wherein said displayed selected portion of said stored data and said supplemental information utilizes only a portion of a screen corresponding to said display.

33. The system of claim 26, wherein said third party intercepting means, said third party means for directly obtaining supplemental information, said third party selecting means, said third party finalizing means, and said third party means for providing said portion of said stored user profile to said content provider is a third party controller coupled to said content provider and to said receiver via said network.

34. The system of claim 26, further comprising third party means for displaying at least one advertisement on said display, said at least one advertisement displayed simultaneously with said selected portion said stored data and supplemental information.

APPENDIX II - EVIDENCE

None submitted

Serial No. 09/635,735
Customer No. 24498

21

PATENT
PU050095

APPENDIX III - RELATED PROCEEDINGS

None